

CSMW

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

53

RAFEAL BARBA

CIVIL ACTION

v.

:

:

:

:

:

THOMCOMP, INC., *et al*

NO. 11-7337

FILED

AMENDED PRETRIAL ORDER

OCT 12 2012

T

AND NOW, this 10th day of October, 2012, upon review of the record and after

conferring with the parties, the following is ORDERED:

1. Both Parties shall complete all fact discovery by November 9, 2012.
2. A final pre-trial conference will be held, via telephone on November 15, 2012 at 1:00 p.m.
3. All motions *in limine* shall be filed by December 3, 2012, with courtesy copies hand-delivered to chambers on the day of filing. Responses to motions *in limine* shall be filed by December 10, 2012.
4. Each party shall file a *final pretrial memorandum* by December 21, 2012. Each submission shall include the following:
  - a) *Agreed facts.* A conscientious effort should be made to narrow the areas of dispute. The parties have stipulated to the authenticity and admissibility of Plaintiff's medical records and police photo.
  - b) Each party's disputed facts.
  - c) Each party's exhibits, pre-marked for trial. (Any objections to genuineness and authenticity should be noted or will be considered waived. Exhibits shall be provided to the Court in the form of three jointly prepared, loose leaf Exhibit Books, separately numbering Joint Exhibits, Plaintiff's Exhibits, and Defendant's Exhibits. For physical ("real") evidence, simply insert a tabbed page listing an exhibit number and enclose a short description of the exhibit. If the documentation in the trial is so voluminous that the use of binders is impracticable, counsel should notify the court to make alternate arrangements.) Absent extraordinary circumstances, a party will be prohibited from offering in its case in chief a witness or exhibit not listed in its final pretrial memorandum.

d) Each party's witnesses, the subject matter of the witness's testimony, objections to any proposed witnesses. (PLEASE NOTE: IF YOU WILL BE USING VIDEO EQUIPMENT TO PRESENT THE TESTIMONY OF A WITNESS, YOU MUST EITHER SUPPLY THAT EQUIPMENT OR REQUEST AT LEAST TWO WEEKS BEFORE TRIAL THAT THE COURT RESERVE EQUIPMENT FOR YOU).

e) Objections to any depositions to be read at trial.

f) Disputed legal issues

g) Stipulated to and disputed points for charge. (A failure to submit proposed jury instructions may result in the forfeiture of your right to object to omissions in jury charge. If possible, counsel should provide me with copies of the proposed jury instructions and jury interrogatories on computer disc, in a format readable by WordPerfect).

h) Proposed voir dire questions (limited to 15 questions), verdict form and any special interrogatories.

i) Total number of days (per side) required for trial.

5. A final pretrial/settlement conference will be held on January 9, 2013, in chambers at 10:30 a.m.

6. Jury selection will take place on January 9, 2013 at 11:00 a.m. in courtroom 3F.

7. Trial will commence on January 9, 2013 at 1:00 p.m. in courtroom 3F, United States Courthouse, 601 Market Street, Philadelphia, PA.

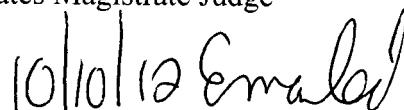
8. Trial will not be continued because of the unavailability of any witness. All witnesses should be available on January 9, 2013, to avoid delays in trial.

IT IS SO ORDERED

BY THE COURT:

**ENTERED**  
OCT 10 2012  
**CLERK OF COURT**

  
Carol Sandra Moore Wells  
Chief United States Magistrate Judge

  
10/10/12 Emailed